

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.3044 OF 2006

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Dated: 17-02-2006

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Between

L. Venkata Rao, S/o. L.S. Patrudu
Ex-Serviceman, R/o. 32-101,
75 Feet Road, Visakhapatnam.

...PETITIONER

AND

The Commissioner of Appeals,
O/o. Chief Commissioner of
Land Revenue, Station Road,
Hyderabad and others.

...RESPONDENTS

ORDER:

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As against the orders passed by the Mandal Revenue Officer – fifth respondent in proceedings in Rc.No.139/90/RA dated 23.02.1990 in resuming the assigned land of Ac.5.00 cents in S.No.296/5 of Madhurawada Village, Visakhapatnam Rural Mandal, Chinagadili in exercise of the power under BSO 15 (12) (3), the petitioner filed an appeal before the Revenue Divisional Officer – fourth respondent which was dismissed vide proceedings in Rc.No.1855/2004/A dated 20.11.2005. As against the said order petitioner filed a revision before the Commissioner of Appeals and when the said revision was not disposed of, the petitioner filed WP.No.26808 of 2005, which was disposed of directing the respondents therein not to create any third party rights for a period of one week and the

petitioner was also given liberty to approach the Commissioner of Appeals immediately and obtain appropriate orders within one week from the date of receipt of the said order. Pursuant to the said order, the Chief Commissioner of Land Administration passed the impugned order dated 24.12.2005 in Appeal No.BCW.5/630/2005 stating that as per the Board Standing Order 15(18) revision lies to the Joint Collector against the appellate order of the RDO and since the petitioner has not exhausted the remedy available to him for availing the revision before the Joint Collector, he was directed to approach the Joint Collector and file the revision petition seeking appropriate relief.

Aggrieved by the same, this writ petition is filed contending that, in fact, as per the board standing order 15(18) revision lies not only before the Joint Collector but also before the board of revenue and the Government and therefore, as the petitioner availed the revisional remedy before the Commissioner of appeals, it cannot be said that the petitioner has not availed the alternative remedy before the appropriate authority.

I am of the opinion that when a immediate superior officer is available for seeking the appropriate relief it may be just and reasonable for the petitioner to avail the opportunity of filing the revision before the Joint Collector.

Having regard to the facts and circumstances of the case and without expressing any opinion on the merits of the case, the petitioner is permitted to avail the remedy of revision before the Joint Collector as directed the Commissioner of Appeals within one week from the date of receipt of a copy of this order and on such a revision petition being filed, the Joint Collector, Visakhapatnam – third respondent is directed to consider and dispose of the revision after giving reasonable opportunity to the petitioner in accordance with law and till the revision is disposed of status quo obtaining as on today shall be continued.

The writ petition is accordingly disposed of.

V. ESWARAI AH, J

February 17, 2006

DSK